



REMARKS

**Claim Rejections - 35 USC §103**

The examiner rejected claims 1-8 under 35 USC §103(a) as unpatentable over Hill (5,646,994) in view of the examiner taking official notice. The examiner asserts that because Hill discloses a storage device for storing encrypted data using a unique ID it would be obvious to modify a conventional digital video recorder to arrive at the present invention. The applicant respectfully disagrees.

Hill discloses an apparatus (sensor recorder) for recording sensor data on a removable hard disk, for example, incorporated into a motor vehicle to record data when the motor vehicle is involved in an accident (Abstract; col. 1, lines 1-64; col. 4, lines 39-55). The sensor data is encrypted and then recorded on the removable hard disk to prevent subsequent manipulation (col. 7, lines 10-20). In other words, the encryption prevents a party from removing the hard disk and manipulating the sensor data for their own benefit after an accident has occurred.

Hill teaches the use of a public encryption algorithm (col. 6, lines 28-30) to encrypt the sensor data recorded on the hard disk. With public encryption, a public key is used for encryption and a private key held by a trusted party is used for decryption. Nowhere does Hill disclose or suggest to use a unique ID for encrypting the sensor data so that the unique ID interlocks the sensor data with the sensor recorder. This is because Hill is not concerned with removing the hard disk from a first sensor recorder for use in another sensor recorder.

In contrast to Hill, the present invention is concerned with protecting against removing the storage device (e.g., hard disk) from a first digital video recorder (DVR) for use in a second DVR. That is, the present invention helps prevent consumers from removing a hard disk containing one or more video programs from a first DVR and inserting the hard disk into a second DVR in order to subvert copyright protection. To

overcome this problem, claim 1 recites a DVR comprising a unique ID for interlocking the encrypted video program with the DVR, wherein the unique ID is used to encrypt the video program when stored by the DVR. During playback, the DVR uses the unique ID to decrypt the encrypted video program before it is output to a video monitor. This prevents removal of the storage device (e.g., hard disk) for use in another DVR since other DVRs will not have the correct ID needed to decrypt the video programs. Other DVRs will have their own unique ID enabling decryption of video programs stored only on the storage device associated (interlocked) with that DVR.

Nothing in Hill would suggest a benefit to modify a conventional DVR in the manner taught by the present invention. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. (In re Fritch 972 F.2d 1260; 23 U.S.P.Q.2D (BNA) 1780 (1992).) The rejection should be withdrawn.



CONCLUSION

In view of the foregoing remarks, the rejections under 35 USC §103 should be withdrawn. In particular, Hill does not disclose or suggest to use a unique ID for interlocking encrypted video programs with a DVR. The examiner is encouraged to contact the undersigned over the telephone in order to resolve any remaining issues that may prevent the immediate allowance of the present application.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

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